

TRANSIENT VENDOR ORDINANCE

The Canton Mayor and Board of Aldermen of the City of Canton, Mississippi does ordain as follows;

Purpose

The purpose of this Ordinance is to regulate transient vendors by establishing hours and dates when sales may be made, restricting sales to certain property, requiring fees and bond, issuance of permission slips, all as provided and authorized by the laws of the State of Mississippi, specifically Section 21-19-35 of the Mississippi Code Annotated (1972) and Section 75-85-1 through 75-85-19 providing penalties for violations.

Definitions

“Transient Vendor” means any person who transacts business as defined herein within the City of Canton. The term includes a vendor who for the purposes of carrying on such business hires, leases, uses or occupies any building, structure, motor vehicle, railroad car or real property.

“Transient business” means any business conducted for the sale of goods, wares or services or who solicits purchases, participants or enlistees for franchises, distributor ships, contracts or business enterprises that is carried on in any building, structure, motor vehicle, railroad car or real property for a period of less than six months in each year.

I.

The Mayor and Board of Aldermen of the City of Canton do hereby find and adjudicate that they are authorized, pursuant to Section 21-19-35 of Mississippi Code Annotated (1972) to enact an ordinance providing for regulation of transient vendors, pursuant to the terms and provision thereof.

II.

Transient vendors may only conduct sales of any of their products or services at extended commercial premises during the hours of 8:00 a.m. to 5:00 p.m., Monday through Friday; transient vendors are not allowed to make sales of any products or services at residential premises.

III.

Transient vendors are prohibited from selling their products on any public right-of-way and/or vacant lot within the city.

IV.

Transient vendors must first obtain the written permission from the owner or legal occupier of the premises upon which sales of products may be offered.

V.

Transient vendors must apply for a permit by application in the sum of \$250.00 from the City of Canton as authorized and mandated by Section 75-85-13 of the Mississippi Code Annotated. Upon receipt of such application, there shall be a three day waiting period during which time the Police Department may investigate the applicant's business and business responsibility.

- (a) If, as a result of such investigation, the business responsibility of the applicant is found to be satisfactory, the Police Department shall endorse on the application the approval, and return the application to the City Clerk who shall execute a permit addressed to the applicant for carrying on that business applied for and who shall deliver to the applicant his permit. Such permit shall contain the signature of the City Clerk and seal of the City and shall show the name and address of the applicant, the kind of goods to be sold thereunder, the date of issuance, and length of time the case shall be operative.
- (b) If, as a result of such investigation, the applicant's business or business responsibility is found to be unsatisfactory, the Police Department shall endorse on such application his disapproval and his reasons for the same, and return said application to the City Clerk, who shall notify the applicant that his application is disapproved and that no permit will be issued.
- (c) All transient vendors are required to exhibit their permit at all times during the operation of their transient business and comply with city and state sale tax regulations.

VI.

Transient vendors shall execute and post a penal bond or a surety bond issued on behalf of the municipality by a corporate surety authorized to do business in the State of Mississippi, in the sum of \$2,000.00, or five percent of the wholesale value of any merchandise or service offered for sale by the applicants, as authorized by Section 75-85-13 of the Mississippi Code, as amended, such bond to be conditioned as set forth therein.

VII.

Prior to offering any merchandise for sale, transient vendors must report to officials at Canton City Hall and obtain written permission and approval in order to assure that the terms and provisions of the Mississippi state law regulating transient vendors and this ordinance have been met.

VIII.

All permits issued under the provisions of this ordinance shall expire on the date specified in the permit. In no event shall the permit issued last for a period longer than one year and expired permits must be renewed pursuant to requirements of this ordinance. Permits may be revoked by the Mayor and Board of Aldermen after notice and hearing, for any of the following causes:

- (a) Fraud, misrepresentation, or any false statement made in the course of carrying on the business as a transient vendor or in the application for a permit.
- (b) Conviction of any crime or misdemeanor involving moral turpitude.
- (c) Conducting the business of transient vendor in an unlawful manner as to constitute a menace to the health, safety, or general welfare of the public.

Notice of hearing for revocation of the permit shall be given in writing, setting forth specifically the grounds of complaint and the time and place of hearing. Such notice shall be mailed to the permittee at his last known address at least five (5) days prior to the date set for the hearing.

IX.

Violation of this ordinance will constitute a misdemeanor, and each day of violation will constitute a separate offense, for which a fine not exceeding \$500.00 and/or jail sentence not exceeding sixty days may be imposed.

X. Repealer

All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed.

XI. Effective Date

This Ordinance shall take effect and be in full force and effect after its passage and publication according to law.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND BOARD OF ALDERMEN FOR THE CITY OF CANTON that the proposed Ordinance is hereby approved and adopted.

This ordinance having been reduced to writing, Aldermen Weems moved to adopt the aforesaid ordinance. Alderman Jones seconded the motion. Upon the following vote, the aforesaid ordinance passed.

SO RESOLVED BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF CANTON, MISSISSIPPI, this is 20th day of June 2006

Alderman Rosamond	Voted: <u>"Aye"</u>
Alderman Myers	Voted: <u>"Aye"</u>
Alderman Weems	Voted: <u>"Aye"</u>
Alderman Smith	Voted: <u>"Nay"</u>
Alderman Jones	Voted: <u>"Aye"</u>
Alderman Gilkey	Voted: <u>"Aye"</u>
Alderwoman Scott	Voted: <u>"Aye"</u>

The motion having received the affirmative vote of the majority of the members present, the Mayor declared the motion carried and the Ordinance duly adopted the 20th day of June 2006.

S/Fred Esco, Jr.
Mayor

Attest:

S/Valerie Smith
City Clerk